

NOTICE OF INDEPENDENT REVIEW DECISION

September 4, 2003

RE: MDR Tracking # M2-03-1477-01-SS
IRO Certificate # IRO4326

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ___ physician reviewer who is board certified in orthopedic surgery which is the same specialty as the treating physician. The ___ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This patient sustained a back injury on ___ while pushing a heavy cart full of books. After trials of conservative treatment, she underwent a laminectomy and disectomy at L5-S1 on the left on 05/01/01. She began a course of physical therapy post operatively. The patient later began to experience bilateral symptoms of pain and numbness. She had subsequent epidural steroid injections with short-term relief.

Requested Service(s)

Decompression at L4-5, left disectomy, and posterior spinal fusion at L4 to S1

Decision

It is determined that the decompression at L4-5, left disectomy, and posterior spinal fusion at L4 to S1 was not medically necessary to treat this patient's condition.

Rationale/Basis for Decision

Based on the documentation in the medical records provided, there is no justification for the requested surgical procedure. The last clinical note available is dated 10/14/02 and states

“neurologically, she is intact.” If the patient is neurologically intact, there is not medical indication for the surgery requested based on pain alone.

Such spinal fusions performed for pain alone historically produced poor results. Therefore, it is determined that the decompression at L4-5, left diskectomy, and posterior spinal fusion at L4 to S1 is not medically necessary.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (ten) calendar days of your receipt of this decision (28 Tex. Admin. Code 142.5 (c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing, and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) calendar days of your receipt of this decision (28 Tex. Admin. Code 142.5(c)).

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.5(d)). A request for hearing and a **copy of this decision** must be sent to: Chief Clerk of Proceedings/Appeals Clerk, Texas Workers' Compensation Commission, P.O. Box 17787, Austin, Texas, 78744, Fax: 512-804-4011.

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in this dispute.

Sincerely,

In accordance with Commission Rule 102.4 (h), I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 11 th day of September 2003.
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